

Western Carolinian.

It is not in the least probable, which however wise and good in themselves, have the semblance of inequality which find no response in the heart of the citizen, and which will be evaded with little remorse.
Dr. Channing.

[BY EDITOR CHARGE.]

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TERMS.

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INTERNAL IMPROVEMENT.

SPEECH OF MR. HALL.

ON NORTH CAROLINA.

At the House of Representatives—Saturday, May 18, 1832.

Amendments of Mr. Verplanck, making appropriations for Internal Improvements, for certain rivers, bays, harbours, and inland navigation, in Committee of the Whole. Mr. HALL, of North Carolina, offered an amendment to amend the item for removing obstructions at Ocracoke Inlet. The amendment is as follows: "For the removal of the shoal below the town of Washington, North Carolina, and a bed of mud which obstructs the passage of vessels in the river."

Mr. Hall, in explanation of his amendment, said, that he did not wish to impose upon the House; that he knew generally that he did not feel himself at liberty to vote for subjects of this character, but he wished to put it into the power of those who did feel themselves at liberty to apply the public money to such purposes, to apply it where it would be of some use to the constituents; and partially to put it in the power of gentlemen who seemed so desirous of giving something to his constituents to do it, where it would be attended with practical utility. This object was, from its nature and location, as much entitled to an appropriation as any item in the bill. The shoals which he alluded, was known to be an impediment to vessels going to or from Washington, loaded, and they had generally to lay below this shoal and lighten by boats.

Mr. H. believed the removal of this obstruction not only practicable, but, at a comparatively small expense, aided by the machine employed at the swash, as he was compelled to believe uselessly. The object is, according to the doctrine of gentlemen, as much national as any of the works appropriated for in this bill. It has all the attributes of nationality claimed for works of this character. It is an obstruction to commerce, it is within a collection district, near a custom house, and therefore, according to the late doctrine that whatever is within a collection district becomes national, and, therefore, constitutional, is of consequence entitled to an appropriation. The stamps alluded to, though their removal is not altogether as important as the removal of the shoal, are yet entitled, upon the principles already stated, to be considered as good national stamps as any in the Union. He again repeated, he would not deceive gentlemen even if this amendment was admitted into the bill, which he thought, upon their own principles, it ought to be, he should still be obliged to vote against the bill. Mr. H. wished others to preserve their consistency—he meant to preserve his—but those who voted for any similar object, he conceived bound to vote for this.

After some remarks from Messrs. Archer and Alexander, of Virginia, Mr. Hall observed, he presumed, from the manner in which the gentleman, (Mr. Archer), had asked his questions, and from the expression of his countenance, he did not require an answer to them all, which, indeed he could not give, because they formed a string as long as his arm, and many of them he could not recollect. But he would answer the first which he did recollect, and say that, there really was such a place as he had mentioned. He had stated what was known to all the inhabitants of the town of Washington and surrounding country—and, though the subject had assumed some appearance of a joke, yet it was a true joke, and he knew it to be the wish, as it would be to the interest of these people, to have the obstruction removed, and he (himself) would as soon vote for it as any item in the bill, or any thing of the kind. (Mr. Alexander), by way of explanation, that it was not the swash which he was understood to allude to when, in conversation, he said it had been made worse—it was another place in North Carolina. But, in relation to the swash, he would only say, that he did not believe that either much good or harm could be done to it, permanently, nor did he believe that the whole corps of engi-

neers, with the whole corps of Uncle Sam, could permanently remove the obstructions to the navigation and commerce of North Carolina. And, in relation, he thought, to their modus operandi of creating these obstructions, determined pretty clearly, that mortal man should not have any modus operandi by which, effectually to remove them. He had desired to avoid saying any thing at present on this subject, because he knew it to be a favorite project with his colleague, (Mr. Speight,) but as it had been mentioned, and he had been drawn into remarks relative to it, he would say that, if any one would contemplate with proper attention, the elements which enter into the formation of these obstructions, they would see the futility of wasting money on them. When, on Saturday the 7th, the same subject came up in the House, Mr. Hall objected to the appropriation for Ocracoke, but previous to giving his reasons for so doing, said, he wished to make some explanations in relation to the amendment he had previously offered to committee, and should again offer in the House. He then went into such explanations as the case required, similar to those already stated, and called upon the colleague, (Mr. Speight,) to say of his statements were not correct. Sir, said he, I knew my colleague to be in possession of such information as will sustain me in what I have said in regard to this subject. He is a swift witness in this case.

[Here Mr. Speight asked, what he meant by a swift witness?]

Mr. H. said, he meant a good witness—a competent witness—a witness having full knowledge of the subject—and he protested against its being supposed that he intended any thing in the slightest degree unkind to his colleague, who being not his colleague, but his neighbor, he should be sorry to say any thing in the least unkind, and disclaimed it—but he again called on him to say if his statements were not correct; to which Mr. Speight nodded assent. Mr. Hall then said, his object in calling on his colleague was to show to gentlemen that what he had said was true, and that the information was clearly such as to place the subject on the same footing with other items; nor could he see with what propriety gentlemen could vote for the other items and reject this. Sir, said Mr. H., I will now state my reasons for opposing this appropriation for the swash. I am quite certain that if any one will look at this matter in a philosophic point of view—if they will consider the real causes of the obstruction to the commerce of North Carolina, they will perceive that the idea effectually of removing these impediments is idle. It is supposed by philosophers and mariners that the trade winds have some influence in producing the gulf stream. Be this as it may, very few mariners who traverse the coast of North Carolina, are ignorant that the gulf stream is one of the principal causes of those obstructions, which to think of overcoming, permanently, by the ploughing machine, commonly called the dredging machine, is about as specious as to talk of quenching the sun with a squirt gun. They had as well get a school of shovelled sharks to root away the sand. It is known that the gulf stream sweeps along our coast at the rate of about three and a half miles an hour, bringing with it, from the Cape of Florida, as it approaches more or less near the shore, according to its projection or curvature, an immense mass of floating sand. As it approaches the projecting points of the coast of North Carolina, during the prevalence of east winds, it is pressed by the ocean more in shore, producing a counter current or eddy, in which the sand is whirled round & thrown into the mouths of our inlets and in heavy easterly storms thrown in immense masses within the sound, and forms that irregular sinicircular deposit known by the name of the swash, consisting almost wholly of sand.

It is believed that the gulf stream, placed before the outlets of our rivers, is the principal primary cause of that deposit of sand along our coast, which forms a barrier between the Atlantic and the sound through which the breaks, pail inlets, are made, and continually modified, by the battlings of the winds and these mighty waters. And now let me ask, does any one really believe that we stand any chance to make a permanent removal of this deposit, while the causes which placed it there remains, and that, too, with this dredging machine? Even supposing it may be cut through and part of it removed, what is to prevent the same operation from filling it up? Sir, if Congress are really in earnest about removing the obstructions to our commerce, let them make an appropriation to remove the gulf stream across the Atlantic—pass a law to stop the storms which beset this coast; and then blow up the banks! we shall then have a good outlet to the ocean. I have had some knowledge of these storms—as fine a specimen of storms as is known. It has, you know, Sir, been doubted by some of our people, whether they had better thunder in England than we have in this country; but I am quite certain, if they have better thunder, they have no better storms than we have about Cape Hatteras and Ocracoke. Now, Sir, to be serious, let us ask, what can we do

against these elements? To bear out, let me quote from a report of the engineer upon a kindred work, the celebrated Nag's Head, or Roanoke Inlet—obstructions made by the same elements. The following extract is from the report of Capt. Hartman Bach, of the Topographical Engineer, dated February 12, 1829:

"It is impossible to enter upon the discussion of the proposed project, involving such important consequences to the populous and productive portions of the country, watered by the Roanoke river, without feeling deeply sensible of the difficulties in effecting so desirable an object, and the degree of uncertainty attending the result of any operations, where the causes to be governed are so infinite and powerful. This is apparent even to the most unpractised in the profession of engineering, wherever the course of nature, in her marine operations, is to be governed. Indeed, there is probably no subject within the range of science where so much is deduced from hypothesis, and where, necessarily, in the results, there is so little certainty. Nor can we from the causes already put in practice, adduce the evidence of success of any series of operations having in view such improvements, inasmuch as every case is of a new character. This would appear to be the fact, when we bear in mind, that probably in no one instance, where operations have been carried on for the improvement of harbours, inlets, &c., have results met the expectations entertained. In expressing these opinions, I am impelled only by the desire of impressing upon the conviction of the sanguine, the difficulties which belong to hydrographical improvements, without particular reference to the subject of this report."

Sir, it will be seen that this reasoning is intended to apply, not alone to Nag's Head, to all marine obstructions and improvements, and is peculiarly applicable to the swash. Now let us hear what the report of the Secretary of War, made this session, tells us. The report, in relation to Ocracoke Inlet, says: "The dredging machinery designed to improve the channel of this Inlet, has been applied to that object, on the part called the Flounder slue during all favorable weather, since the beginning of 1830, and about 10,000 cubic yards have been excavated. The engineers report that, so far as a conclusion may be drawn from observation, during a short period, it is in favor of the final success of the experiment. It is found that, in consequence of the exposed situation of the place of operations, not more than about 150 working days in a year can be counted on; and at the present rate, ten years would be required to complete the proposed excavation. In order to afford, in this case, an opportunity of making as fair experiments as practicable, it is intended to apply another dredging machine of greater power in aid of the one now employed," &c. With these high authorities, in addition to what I have myself shown, shall I not be borne out in my opinion of the utter futility of such enterprises? The Secretary of war tells us that the affair at Ocracoke is an experiment. This, I believe, will be the Third—I am told the fourth, appropriation for that object. We have now been making the applications for something little less than three years, I think, and the Secretary tells us it will take ten years more; this is called an experiment! It is an experiment with a vengeance; A thirteen years experiment, at the rate of twenty or thirty thousand dollars a year, for what, by their own showing, and the least acquaintance with the nature of the obstructions, can produce nothing but waste of money and eventual disappointment. I have been informed by many respectable persons living on the banks and other places not remote that the whole affair was viewed as a mere idle waste of money. But, as regards the mud shoal below Washington, I cannot see what is the difference, is, one is an obstruction at the upper part of the same body of water, where it is called Pamlico river, and the other at the lower part, where it is called Pamlico sound, both obstruct navigation and commerce. In explanation of a remark from Mr. Speight, that his information was drawn from pilots, who were interested, Mr. H. said, it was not alone from pilots but from many other respectable people as well as respectable people of this class whose information was likely to be, perhaps, better than others. The final success of the swash I doubt; as the shoal near Washington, success would probably attend that, with means properly applied.

[When the bill was about to have its third reading, an incidental debate arose for a few minutes, on a question to reconsider the vote, ordering it to be engrossed and read a third time, the motion for reconsideration being rejected, the question upon the passage of the bill coming up.] Mr. Hall said, the debate which had just occurred was to him wholly unlooked for. It had been customary, at this stage of bills, not to discuss the details or principles, that having usually been done previously. It was, however, his purpose to give his views generally, on this subject, both as to its details and principles. But before he entered into the subject, he

would take occasion to say that he had voted against reconsideration, because he believed, and understood, that the object was to draw a distinction between some of the items, with a view of striking out a part of them. He objected to this course, because he viewed all the various portions of the bill, so far as principle was concerned, as standing precisely upon the same footing. If our part was constitutional, they were all so, and he wished that no invidious distinctions should be made. He was not one of those who believed a measure was either constitutional or expedient merely because it went into the State or District to which he belonged, while a measure, of exactly the same nature elsewhere, was neither constitutional or expedient. It will be recollected, that when the details of this bill were under consideration, I took some part in the debate, but confined my remarks only to one or two items of appropriation for North Carolina, I did so, because I was better acquainted with them than with most others, and also, because, after opposing those in my own immediate vicinity, which I felt it my duty to do, I could, with propriety, and with cleaner hands, oppose others of similar character elsewhere. Mr. Speaker, no one can suppose that, I can unfriendly to the commercial prosperity of North Carolina, far from it—this surely is not the cause of my opposition, to appropriations for improvements of this character, but I oppose them for the reason, that I not only do not feel myself at liberty, because I think Congress has not constitutional authority, but because I believe they must ultimately fail in producing any substantial benefit. The item of appropriation for the Swash was not, as seemed to have been supposed, the only one to which I had objections. In principle I am equally opposed to that for clearing away obstructions below Wilmington, and unless the efforts of Congress are attended with better success than those made by the State authorities, it is not likely they will be very beneficial, for I have understood, from respectable authority, that so far from the applications made by the State authorities, having been very beneficial, it was believed, that they had rather done injury—certainly no great good. As to improvements of a similar character with those of North Carolina, (and the greater part of the bill consists of appropriations for similar purposes,) the remarks of the Engineer's report which I read on a former occasion, will apply to them generally, and if it meets with the approbation of the House, I will again read the part of the report to which I allude. [Here Mr. H. read what appears as an extract from a report of Capt. Bach, already given.] And Sir, to sustain me in the description which I gave of the obstructions to the navigation of North Carolina, I will read the following: "In the history of North Carolina, by John Lawson, Surveyor general of North Carolina, London 1709 we have [page 61] a general description of the coast, in the following words, "This part of North Carolina is faced with a chain of sand banks, which defend it from the violence and insults of the Atlantic ocean; by which barrier a vast sound is hemmed in, which fronts the mouths of the navigable and pleasant rivers of this fertile country, and into which they discharge themselves. Through the same are inlets of several depths of water. Some of their channels admit only of sloops, brigantines, small barks and ketches; and such are Currituck, Roanoke, and up the sound; above Hatteras; whilst others can receive ships of burden, as Ocracoke, Topsails Inlet and Cape Fear, as appears by my chart." I believe it is well understood that since this period both Roanoke and Currituck Inlets have been rendered useless by being filled up with sand. Mr. Speaker, while I, in common with my colleagues, and with our constituents generally, lament the existence of these, as I think, irreparable obstructions to our commerce, yet I am somewhat consoled, that in this as in almost all other cases, there is not to be found unmixed good or evil. These very obstructions placed in the way of our commerce, though certainly in that point of view a great injury, yet are decidedly the best and cheapest fortifications against invasion from a foreign power, it being out of the question for a vessel of war of any magnitude to come within our waters; and I do not agree with those who talk about the degraded state of North Carolina, from these causes, and who therefore solicit aid, as I think, uselessly, from the General Government, to remove them. And Sir, I cannot but feel that North Carolina is quite as much degraded by begging for the crumbs and drippings from this Government, as from natural causes beyond human control. But Sir, let us return to this bill which, with one exception, is certainly the most extraordinary act of legislation peculiar to this session. Sir, it puts me more in mind of what I have often seen at log rollings in the country in which I live—it puts me more in mind of a large heap or pile of logs, rolled from all parts of the log ground by the mutual aid of the log rollers, than any thing else. And for one Sir, I think the best thing we could do with it, would be to treat it as we do the logs after being on rolled together, set fire

to and burn it up. We do so however, with the logs, not precisely for the same reasons I would this strange affair—we burn them because they are useless, and in the way; but this thing is worse than useless—it is a great positive evil. These appropriations amount to the enormous sum of about a million and a quarter, for purposes, as characterized by scientific engineers, of at least doubtful character; most of them coming under the description to which the term hydrographical has been applied. This bill presents, in epitome, a fair sample of the whole system of internal improvements, of which we have since 1824 had some experience. It is a system of iniquity, one in which from the very nature of things, justice and equity cannot be done; it is another part of the general system of transferring the property of one set of men to others without any equivalent.—the Tariff, Internal Improvements, pensions, &c. &c. The present bill, and the mammoth pension bill, passed through this House a short time since, are instances of the most extraordinary outrage upon the people of their kind. With these hanging upon the Treasury, how are we to pay the debt? Is it not known to be a favorite object of the Executive, and still more, do not the people generally look to the extinction of the public debt as a political jubilee? How then can we reconcile it to ourselves to vote for such enormities? The system of internal improvement and the tariff system, compose the notable and far famed American System. They are worthy of each other, par nobis, no, sir, net par nobis, but par ignobile, not fratrum, but demonum—a noble pair of brothers—but an ignoble pair of devils! Was not the devil, the author of all evil? The breeder of discord and suffering to our first parents? Can any thing be more in character? To what, Sir, do we owe our present political divisions and discord, threatening the most calamitous consequences, but to that most unfortunate and iniquitous system of legislation which commenced soon after the close of the war. Which has been called or known by the name of a new departure in politics. Sir, it was a new—a most unfortunate departure from all these fixed principles upon which we had so happily acted heretofore.—And what is the consequence? To what a state of things have we come? Are we not now standing upon the very brink of political perdition? Is not dismemberment, and disunion talked of, and discussed in this House, in every group of members—a common subject out of doors, and in the newspapers? And to what but this diabolical system of legislation, scrambling for money and offices, is it attributable? Who is so blind as not to see that unless we speedily return to sound principles, ruin must come?

Mr. Speaker, the whole of this bill is bad, but some of its parts are, if possible worse than others; indirectly, the power to erect toll gates, is asserted, whether intended or not, and though the appropriations have been said to be to finish works already begun, upon inspection, this will be seen not to be wholly correct, and even if true, it would not alter the principles. If you begin in error it will not become right by keeping in the same course, and as the saying is, "throwing good money after bad." We also have thirty thousand dollars for surveys, which is the initiation of all works of this kind, and after once commenced, you are told if you do not go on, all the money you have applied will be thrown away, and this, by some, is held a sufficient reason for throwing away thousands and millions. Is it possible the people who furnish this money can longer be willing to be taxed for such purposes? If so, God help them!

This surveying or engineering, as it has been called, I well recollect, the commencement of this business as a system, previously debated, on the ground of trying the principle of a system of internal improvements. Some three or four years ago, when the present ones were the then in, I recollect frequently to have heard the charge made of engineering the people, buying them up with their own money. Now Sir, whether this was so or not, it is not necessary for me to say—but this I will say, that I do not wish that any wag shall have it in his power, whether deservedly or not, to say of us, the parties here, what was said of the political parties in England:

What this rogue does, that rogue wins. They are both birds of a feather. So here's damn the outs, and damn the ins. And damn them all together.

I hope and desire the parties here may never justly be subjected to any such wit and sarcasm.—would to God, Sir, we could have but one party—one great party—all the members of which, instead of scrambling for place and public money, should be found vying with each other in disinterested efforts to promote the public good. Viewing the whole of this bill, individually and collectively, as improper, as being objectionable upon the same grounds, one part with another, it would be difficult to give a preference to any one item over another. It was, I think, some years since, that upon the Maysville road bill, I took the liberty of addressing some remarks to the House under circum-

stances somewhat similar. I consider the principles of the two bills precisely the same; they both merit the same fate, and I most earnestly wish this may meet the same fate as the other. As to principle, I have said they are the same; this as to the extent of mischief in which the worst. I recollect taking occasion in my remarks on the subject, to say, that I would as soon have voted for it as for any measure of a similar character even in my own district: this I will repeat, and should I ever break through the rule which the Constitution has, as I believe, prescribed for me, and should ever vote for any one subject of this character, I should feel myself in honor bound to vote for every feasible one of similar character from Pensacola, quoddy to Florida, and from the Atlantic frontier to the confines of the far West.—If I was to spend an opinion, on the practical utility of the several objects of improvement proposed in the bill, I am not quite certain that I should not feel bound to say, that probably more good had been or might be done by appropriations for the removal of casual obstructions in the Western waters, usually termed planters and sawyers, which I understand are formed of trees falling into the river by the giving way of the banks from being washed by frequent freshes, than any others. I consider, then, however, no more entitled to be called national than any other objects. I should like to know when they began to be national, if they are so, while standing as they grow on the bank, after falling in the water, or not until they become fixed in the sand and mud at the bottom of the river,—which I suppose constitutes them planters, and that up and down motion, caused by the pressure of the current, constitutes them sawyers.—With regard to the nationality, and therefore constitutionality of the great Cumberland road, because it goes to parts of several States; why, Sir, upon that principle, every road or path in every State may be considered National; because every path or private road communicates with some other, which leads to any and all others in the Union, and therefore they are all and each national, if any one be.—Perhaps, however, the real thing which gives nationality to all things of this character, is the national money, taken, or to be taken, out of the National Treasury.—But, Mr. Speaker, enough in relation to the details of this affair; a few words upon the constitutional principle and I have done. I am sorry to have intruded so long upon the time and patience of the House, but hope for some few crumbs of allowance in consideration of past forbearance; for it will be admitted that I have not often trespassed in this way. I have for years contented myself with being in some degree a mere looker on in Venice; and as a farther consideration for trespassing on its time, I will assure the House that this is the last time I will ever open my lips, so far as at present advised, upon the subject of the internal improvement, further than to say—No. This privilege I shall still claim, so long as I have the honor of being a member of this body.

Mr. Speaker, when the subject of internal improvement was broached and first discussed as a system, like the Bank question, it was sought for and claimed to be found in some half dozen of the granted powers, enumerated in the Constitution; and like that for this reason was entitled to the character of a vagrant power.

The power, however, to regulate commerce, seems to be in the later times principally relied on; and this, and a branch of this power—the power to place custom houses, and designate by law, collection, or revenue districts.—This latter branch of the power carries its own condemnation upon its face; because by placing custom houses and designating districts, Congress could assume indefinitely the jurisdiction over all subjects of internal improvement from the sea coast to the very sources of our rivers, some having already extended very far into the interior of the country. But the difficulty does not end here.—What has happened, may possibly be again—formerly, for collecting direct and internal taxes, the States were laid off into collection or revenue districts.—And thus, upon the principle asserted, Congress could assume jurisdiction over every thing of a local character in the country.

The general power to regulate commerce, therefore, is the power particularly relied on. It seems to have been the intention of our predecessors to settle and establish as a fundamental principle in our political institutions that the State Governments, and Federal Government, should be considered as distinct and separate agencies, established by the people for different purposes. The 9th and 10th amendments, and the second paragraph of the 6th article of the Constitution, will, upon due consideration, satisfy any reasonable mind, that such a principle is established. In this view I am sustained by a doctrine fairly deduced from the Constitution, by no less authority than the Supreme Court,—that all the powers of the general government are plenary or full powers over the subjects committed by the Constitution to its management. This being the case, all will admit that they must be exclusive powers; and it follows

of property, that they cannot be concurrent with the powers of the State governments. To maintain the doctrine here laid down, which I think incontrovertible, I will appeal to any authorities for support. The first amendment says: "The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people." With: "The powers not delegated to the United States by the Constitution, nor prohibited to the States, are reserved to the States respectively, or to the people." These two amendments settle clearly the principle of separation of the powers granted and retained. The second paragraph of the 6th article of the Constitution is in these words:

"This Constitution, and the laws of the United States which shall be made in pursuance thereof, shall be the supreme law of the land; and the Judges in every State shall be bound thereby, any thing in the Constitution or laws of any State to the contrary notwithstanding."

To show the pertinency more clearly of the doctrine I have laid down to these authorities, I will quote the language of the Supreme Court in the case of *Gibbons vs. Ogden*. Alluding to the power to regulate commerce, the Chief Justice in delivering the opinion of the court says: "We are now arrived at the enquiry, what is this power? It is the power to regulate; that is, to prescribe the rule by which commerce is to be governed. This power like all others vested in Congress, is complete in itself. It has always been understood, that the sovereignty of Congress, though limited to specified objects, is plenary as to those objects." This doctrine can only mean that the powers granted to Congress by the people in the constitution are full or plenary powers over the subjects committed to its agency, and consequently exclusive powers. The word sovereignty, if applied to Congress, as it signifies has been, would be improper. Congress is not the sovereign power of the country, but an agency with powers plenary *quod hoc* over particular subjects. Its powers are delegated only, they are therefore necessarily subordinate, and not sovereign powers. We all agree that the sovereign power is in the people, if this be so, having never alienated, they still retain it. The constitution itself is an act of fundamental legislation through this power of attorney, secondary powers of legislation, agreed on all hands to be not only delegated but limited and enumerated. Again the court says: "A full power to regulate a particular thing, implies the whole power. A grant of the whole is incompatible with the existence of a right in another to any part of it." This language is appropriate and clear, and taken in connection with the evident sense and meaning of the foregoing authorities, establishes the principle, that neither government can interfere with the appropriate and constitutional powers of the other. Let us recapitulate. All the powers vested in Congress are plenary powers—they are then of necessity exclusive powers. And, if so, they cannot be terminated or be made concurrent, or conjoint with the powers of the State legislatures—and it follows as a matter of course, that within their proper sphere of action, when confined to their proper and constitutional purposes, the powers of the State governments are equally plenary and exclusive. Both are so in their proper place, neither as out of it. Accordingly then, to the foregoing doctrine, the power to regulate commerce with foreign nations, among the several States and with the Indian tribes, being like all the other constitutional powers of Congress, a full power over the subject, must be exclusive and cannot be participated. This being true, it utterly precludes the idea of the right of Congress to effect in whole or in part, by means of a system of internal improvement, within the jurisdictional limits of a State, the State government undoubtedly having the right. The only works or edifices in the character of improvements which Congress is authorized to erect or fabricate within any of the States, are provided for, in the latter part of the 8th section of the first article of the constitution. In order to enable Congress to erect useful buildings for the operations of the legislative and executive departments, and that the federal government might have a local habitation as well as a name, it was provided that Congress should have power to exercise exclusive legislation in all cases whatever, over each district, (not exceeding ten miles square) as may by cession of particular States and the acceptance of Congress become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, dock-yards, arsenals and other needful buildings. The control of these subjects is entirely in Congress—they are the only objects in the character of improvements, or edifices within a State which Congress has the power to make, and not even then without the pre-approval of acquiring the whole and exclusive government, by purchase and cession over the places where erected; with which places after this, the authorities of the State in which they may be cannot interfere in any way. There is a great mistake in supposing that the improvement of rivers, bays, inlets, and harbors, and making roads and canals in the States, stand on the same footing. They are no where provided for, either directly, or indirectly, in the Constitution. Does any one suppose that the States would or could cede to the General Government, the rivers, bays, and all the public highways upon which commerce is carried on? If so, what would be left—what would the State Governments have?

They would be utterly useless. The Constitution of North Carolina expressly says: "The property of the soil is a free Government, being one of the essential rights of the collective body of the people it is necessary in order to avoid future disputes, that the limits of the State should be ascertained with precision."

Then, after describing the boundary line on the south it says: "Therefore all the territories, seas, waters, and harbors, with their appurtenances, lying between the above described line, &c. and the southern line of Virginia, are the right and property of the people of this State to be held by them in full sovereignty." I believe, sir, as part of these things has been, parted with or ceded, nor could they be, without a violation of the Federal Constitution, unless, for such purposes, as have been provided for in the instrument. Congress has power to build forts, dock-yards, &c. within a State, only upon the same principle that it could build the Capitol, the Executive Departments, Navy Yard and other needful buildings in the District of Columbia, not because Congress had the right to legislate, but because having first obtained, by the method pointed out in the Constitution by cession and purchase from Maryland and Virginia, full power over the District, it could then, and not till then, place or erect any such improvement as it might think proper. And so of the other subjects mentioned. It will be seen in the laws, first and second volumes, that immediately after the Government went into operation, provision was made for the cession of light houses with the same views as seemed to have been applied to the subjects mentioned, and what then was deemed to be the construction, may be learned from the practice of the Government in regard to light houses, as acted on then and since, as will appear by the following extracts from Gordon's digest of the laws: "No light house shall be built on any site previous to cession of jurisdiction over the same to the United States, &c." "If any person or persons within any fort, dock-yard, navy-yard, arsenal, armory or magazine, the site whereof is ceded to and under the jurisdiction of the United States, or on the site of any light house or other needful building belonging to the United States, the site whereof is ceded, &c. &c. It will be thus seen that all these objects were classed together, and the same requisites necessary to enable Congress to erect them: even it admitted, that light-houses are needful buildings in aid of commerce or the navy, Congress could not make them within the jurisdictional limits of a State, without first obtaining exclusive government over the places or sites, as in case of forts, dock-yards, &c. with which they have been classed.

Mr. Speaker, I have thought proper thus to allude to light-houses, because they seem to have been a sort of stumbling block, and a kind of last rallying point of the friends of internal improvements or as a hook or place to hang a doubt on—and particularly to call the attention of a friend who I see across the way, to the subject as he and myself have frequently in a sort of Committee of the Whole on the state of the Union, had this with other subjects, and particularly the Union itself, under consideration. But I think they have sufficient to distinguish them from the general class of objects, known as internal improvements. But they seem by many to be considered as a sort of mongrel, or thing of doubtful character. If gentlemen please they may consider them as a kind of political zoophytes, corresponding to that doubtful or intermediate class of beings which form the connecting link between the animal and vegetable kingdom; let gentlemen consider them as the intermediate link between the two governmental authorities; make them political zoophytes.

Mr. Speaker, the power to regulate commerce, like that to regulate the mail, as far as relates to our public highways—the ways on which commerce is carried on, and the mail transported, is merely a right to pass over them. The power to regulate commerce, and the mail, is a power over subject and vehicle, and does not affect the highways. Congress legislates over both these subjects, so as to prescribe the legal rules by which they are to be governed; and when the judicial power is required to set upon cases originating under these laws, in connection with either of the subjects, the federal courts take cognizance of these cases. But does it not occur to the most uninformed, that any other cases, originating on those public highways, than such as are connected with the mail or with navigation and commerce, refer themselves to the jurisdiction of the State tribunals? If Congress has the right to make, alter, amend, or abolish our public highways within the States, none of which have been ceded to it, does it even a blind man see that the consequence must soon be an entire obliteration of all the power of the State authorities, and in that case our system of government is destroyed by consolidation?

It must, I think, be perfectly plain, according to the foregoing reasoning, that the exercise by Congress of the power to make internal improvements, either roads and canals, or those upon water courses, harbours, bays, &c. is entirely unauthorized by the Constitution. If Congress has not this power, then it has not the right to do so in any way or by any means, and of course it cannot do it by the use of money—if it has not the power, then it has not the right to use the means to arrive at the end. What, let me ask, is power, but the use of the means to accomplish any purpose—means in the use are power *de facto*—real practical power. Even the cession of a State would not give the power. The cession of a State could no more give Congress a right to do that which it had not the right to do under the

constitution, than I could give another the right to do an unlawful act. If Congress, under the power now laid down, the regulation of commerce—has the right to regulate the commerce—has the right to make the ways on which commerce is carried on—still there would it seem, reasonable that it should make the vehicles, for, according to the doctrine assumed, that Congress has a right to do whatever will facilitate commerce, and if a power to regulate is a power to make, then Congress has the power to make or cause to be made, every thing having any relation to commerce, not only the ways but vehicles such as merchant vessels, canal boats, carts, drays, and wheelbarrows, merchants ware-houses, wharfs, &c. and under the power to regulate commerce among the States, as a facility, they could make waggon, pediclar carts and any thing else. Sir, as there is nothing which facilitates commerce more than articles, the exchange of which constitutes commerce in its most confined significance—Congress may appropriate money to make or encourage the making of every thing which is bought and sold, all things which enter into commercial exchange, either foreign or domestic. But if the improvements of the public highways are regulations of commerce, within the meaning of the constitution, which will gentlemen do with that part of it which says—"No preference shall be given, by any regulation of commerce or revenue, to the ports of one State over those of another." Whenever half a million is given to improve or make ports or harbors in one State, it must, to comply with the instrument, be given to all having any ports or harbors.

This, Mr. Speaker, is surely a most extraordinary power. In addition to the authorities already given, showing the exclusive and plenary nature of the power to regulate commerce, with foreign nations among the several States, and with the Indian tribes, the following is also given, from the opinion of one of the members of the Supreme Court, in the case of *Gibbons vs. Ogden*.

Speaking of this same power, *vs. Ogden*, he says—"and since the power to prescribe the limits to its freedom, necessarily implies the power to determine what remain unrestrained, it follows that the power must be exclusive." The same idea is expressed by Justice Baldwin in the case of the *Indian Tassels*, as may be seen in *Peter's Reports*—The Chief Justice in *Gibbons vs. Ogden*, speaking of inspection laws, says—"They form a portion of that immense mass of legislation, which embraces every thing within the territory of a State not surrendered to the General Government; all which are the States themselves. Inspection laws, quarantine laws, as well as laws for regulating the internal commerce of a State. Now let me ask, are not all the rivers, bays, harbours, roads, canals, &c., within a State, included within the territorial, and jurisdictional limits of the State? And is not the legislation over them a part of that immense mass of legislation which the Chief Justice says embraces every thing within the State not surrendered to the General Government? Have all our public highways; have any of them been surrendered to the General Government? Have even Nags-head and the swash places already alluded to in this discussion? And if not, let me ask by what authority does Congress interfere with the rights of the States—with the rights and property of the people of North Carolina, without any sort of justification—against the Constitution of the United States, and against the express claim of the people of North Carolina, in their declaration of rights, which is a part of the Constitution of the State, reserving this very right and power to themselves? The words of this declaration are—"That the people of this State ought to have the sole and exclusive right of regulating the internal government and police thereof." From the doctrine of plenary and exclusive powers which I have advocated, and which I think correct, Congress either has the whole power of internal improvement, or no part of it. This all pervading power, the regulation of Commerce, is a broad mantle which hideth a multitude of our political sins. Sir, it leads to things of a most strange and fantastic character. I have said that commerce, in its most confined sense, is an exchange of equivalents—in this I am again borne out by the high authority upon which I have so frequently drawn for aid. From one of the opinions delivered, in the case of *Gibbons vs. Ogden*, we have the following: "Commerce, in its simplest signification, means an exchange of goods; but in the advancement of society, labor, transportation, intelligence, care and various mediums of exchange become commodities, and enter into commerce; the subject, the vehicle, the agent, and the various operations, become the objects of commercial regulation. Mr. Speaker, I have been astonished at the extent, magnitude, and variety of action assumed under this power. Sir, the following sentence will disclose, what I venture to presume, neither yourself nor any member of this body, would ever have dreamed of. Sir, it is a claim for Congress, of a most singular faculty. Nothing more or less, Sir, than under the power of regulating commerce, Congress may do—what Mr. Speaker? You could not guess in a fortnight, Sir. Nothing more or less than propagate manna—the things among others spoken of, as subjects of commercial regulation, are ship-building, the carrying trade, and propagation of women, &c. &c. Now, Sir, for a little philology: I believe it will be found, upon examining our dictionaries, that the word propagate, means to continue by successive generations. Now, Sir, I believe it has been settled long since, by the metaphysical metaphysical philosophers, that there is no such thing as a squirrel generation. It must

therefore be unequivocal; and thus, under the power to regulate commerce, Congress has the power, unequivocally, to propagate women. This is the consequence of the doctrine that Congress can do, or make, or cause to be made, any thing giving facility to commerce; but, Sir, I did not know that Congress had the right to regulate any but commerce between the U. S. and foreign nations, among the several States, and with the Indian tribes.

Mr. Speaker, the Tariff has long been, and justly, a subject of complaint. It has deserved quite as much as has been said of it. Yet, I must be permitted to tell the friends of State Rights, of the rights of the people; and to tell the people themselves, that a system of Internal Improvement, carried on by the General Government, within the States, strikes more directly at the vitals of the sovereignty of the States—the sovereignty of the people—for they are the States—than even that cancer of our peace and harmony, the Tariff itself. The term Internal Improvement, is most comprehensive. It is not necessarily confined to the making or improving public highways; but, by the facility of construction, may be made to apply to every possible relation of man to man, and thus place all the private as well as public concerns of the people under the management of this Government—acting as one great consolidated power upon the community. To the union of these two agents, the Tariff and Internal Improvement, the one the plunderer, the other the receiver, of the money of the people, we must owe, if no interposition can be had, to redeem us from this most unholly alliance, what, Sir, it makes my heart sick even to think of Mr. Speaker, must it be so? Are we, like all other Empires, to have our rise, progress, and fall—To run our brief race, too, in less than fifty years!

"There is the moral of all human tales; 'Tis but the same rehearsal of the past—First freedom, and then glory; when that fails, Wealth, vice, corruption—barbarism at last!"

Mr. Speaker, we, the representatives of the people of this country, and the people themselves, are under a most awful responsibility! Are we not looked to as the guardians, not only of our own political and civil rights, but as the guardians of the rights and liberties of the human race? Shall we, faithless to ourselves, and to mankind, in our disgraceful scrambling for money and place, forget the trust reposed in us? Sir, if this is to be the case—if the idea of self-government is a dream—if man is ever to be the dupe of his fellow man—to be robbed, and cheated, and trampled on—why, all I have to say, is—Then, let this world be, and continue still, One wide den of thieves, or what you will!

Another voice from the East.

At a meeting of those friendly to the present administration, and in favor of the re-election of Gen. Andrew Jackson as President, but opposed to the election of Martin Van Buren as Vice President, held in the Court House in Winton, Hertford county, N. C. on the 30th May past, for the purpose of appointing delegates to the State Convention to be assembled in Raleigh on the 19th June, Gen. Bridges J. Montgomery was called to the Chair, and John A. Anderson appointed Secretary.

On motion, a committee was appointed, consisting of Elisha H. Sharpe, Kenneth Rayner, Roscius C. Borland, Kinsey Jordan and David C. Cross, to draft resolutions expressive of the sense of the meeting, who, having retired a short time, reported the following, which were adopted:

Whereas, from the political aspect of the times, a crisis is approaching in the political history of this country, which is to test the permanency of our institutions, and which will require that the Chief Magistrate of the nation should, in an eminent degree, possess those qualities which Mr. Jefferson recommended as the criterion of fitness for office—"honesty, capability and faithfulness to the Constitution;" and whereas we believe that Gen. Andrew Jackson, judging from the leading measures of his administration, has given an earnest that he is endowed with those essential requisites; and whereas we further believe that, owing to his extensive popularity, he is more capable of concentrating public sentiment throughout the Union, and thereby harmonizing those various conflicting interests which are distracting the country than any other man living.

Resolved, therefore, That we entertain great confidence in the integrity of his views, and the soundness of his leading political measures; and that we consider it of the most vital importance that he should be re-elected to the first office in the Republic.

Whereas we believe that the office of Vice President is one of the greatest moment to the welfare of the country, and which should be filled by a man in all respects competent to discharge the duties of President; and whereas we further believe that the Tariff is a question of more importance to the south than any other which is agitating the country; that it is directly contrary to that spirit of compromise which adopted the constitution; that it imposes a heavy tax on southern industry, for the sole benefit of northern capitalists; that it is in fact the secret source of that distress which pervades the community:

Resolved, therefore, That we will support no man for Vice President who is in favor of the Tariff, and opposed to southern interests.

Whereas we believe, from the recent demonstrations of public sentiment throughout the Union, that it is impossible to unite the Jackson party with one

who believes that the power of Congress should not extend to the regulation of commerce with foreign nations, among the several States, and with the Indian tribes, we view Martin Van Buren as an attempt to palm upon us a high tariff Vice President, and as an effort to introduce that system of party prescription (that prevailed in New York, and which should be forever banished by every patriot who is anxious to maintain the honor and dignity of his country).

And whereas we consider the Convention to be held in Raleigh on the 19th June next, for the purpose of nominating some suitable person for the Vice Presidency, to be run on the Jackson Electoral Ticket for the State of North Carolina, as the most effectual means of uniting the public sentiment of the State:

Resolved, therefore, That we highly approve of said convention, and that we will use our best exertions to carry its nomination into effect.

Resolved, That—appointed delegates to represent the county of Hertford in said convention, and that they be instructed to vote for some man, who is opposed to the Tariff, and whose political principles and interests accord with ours.

Resolved, That the chairman of this meeting be authorized to call a meeting of those friendly to the measures hereby recommended, whenever, in his opinion, the interests of our cause may require it.

Resolved, That the proceedings of this meeting be signed by the chairman and Secretary, and that the Editors of the Windsor Herald, Halifax Advocate, North Carolina Star, and United States Telegraph be requested to give them publication.

On motion, Bridger J. Montgomery, Elisha H. Sharpe and Kenneth Rayner were appointed delegates to represent the county of Hertford in the above mentioned State Convention, to be assembled on the 19th June next.

On motion, the thanks of the meeting were accorded to the chairman and Secretary; when on motion, the meeting adjourned.

B. J. MONTGOMERY, Chairman.

JOHN A. ANDERSON, Secretary.

[When the question was put on the adoption of the second resolution, an ineffectual motion was made to strike out that and all the following resolutions, and substitute the following:]

Resolved, That we disapprove of the proposed State Convention in Raleigh on the 19th June next, and believe that it had its origin in opposition to Gen. Jackson.

Resolved, That we will not, in a quixotic attempt to elect a Vice President of our own peculiar opinions, run the risk of electing Clay and Sergeant.]

Report of the Committee on Manufactures.

We have laid before the reader, this Document, drawn up, we suppose, by Mr. Adams. The doctrines which it avows, in regard to the powers of the General Government over the subjects of Manufactures, are such as no Republican can subscribe to. They contain the quintessence of Federalism. The construction which it places on that clause of the constitution which confers on Congress "the power to lay and collect taxes, duties, &c. &c. would, if it were true, destroy all the limitations of power contained in that instrument. It would effectually destroy the constitution as a grant of limited powers. According to such a construction, Congress would have the right to do any and every thing which is not expressly prohibited in the Constitution—a doctrine fraught with the most dangerous consequences.

Jeffersonian.

COMMUNICATION

FOR THE WESTERN CAROLINIAN.

The "Union party" and a "Nullification party" of South Carolina.

In what is it that these two parties differ from each other? Truly it is astonishing how little the points of difference between them are understood out of South Carolina. Do they differ as regards the Tariff? No.—Both parties unite in their zeal against the Tariff—in pronouncing it unconstitutional and ruinous to the South, and both agree that it cannot be borne, but must be thrown off by some means or other and that speedily too.

About what is it, then, that they differ? The answer is—that they only differ as to the means necessary to accomplish this object: The "Union party" is for throwing off the Tariff one way, and the "Nullification party" is for doing it in another way.

What are these different ways? We can only ascertain them from the declarations of the leaders of the two parties, and from the resolutions adopted at their public meetings.

First as to the Union party.—The difference between the means proposed to be pursued by the two parties is strikingly illustrated in an answer recently given by a member of Congress from South Carolina (of the Union party) to a question put to him by a citizen of North Carolina.

Question.—In what is it that your party (the Union party) differ from the Nullification party?

Answer.—There is no difference (they the Nullification party have for answering to the Union party) (the Union party) are for throwing off the Tariff by force.

...the Tariff is unconstitutional and ruinous to the South, and both agree that it cannot be borne, but must be thrown off by some means or other and that speedily too.

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A North Carolinian.

